

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

§
ROSFEL GARZA, #01181215, §
§
Plaintiff, §
§
v. § Case No. 6:20-cv-322-JDK-JDL
§
LORIE DAVIS, et al., §
§
Defendants. §
§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge John D. Love. On November 12, 2020, Plaintiff moved for a temporary restraining order, seeking to bar Defendants from retaliating against Plaintiff for filing this civil action or filing prison grievances. Docket No. 28. Judge Love issued a Report and Recommendation recommending that the Court deny the motion. Docket No. 29. Plaintiff objected to the Report and Recommendation on December 10, 2020. Docket No. 37.

Where a party objects within fourteen days of service of the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff's objections fail to address the shortcomings in his motion cited in the Report and Recommendation—specifically, Plaintiff's failure to address any of the four prerequisites for a preliminary injunction or temporary restraining order. Accordingly, the Court has determined that the Report and Recommendation is correct, and the objections are without merit.

The Court therefore **OVERRULES** Plaintiff's objections (Docket No. 37) and **ADOPTS** the Report and Recommendation of the Magistrate Judge (Docket No. 29) as the opinion of the District Court. It is further **ORDERED** that Plaintiff's motion for a temporary restraining order (Docket No. 28) is **DENIED**.

So **ORDERED** and **SIGNED** this 29th day of December, 2020.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE